THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE SRI JUSTICE R.SUBHASH REDDY

–

WRIT APPEAL NOs.2342 AND 2343 OF 2005.

DATED: 30-11-2005

W.A.NO.2342 OF 2005

Between

The Andhra Evangelical Lutheran Church,

Guntur, rep. By Chairperson, Board of

Secondary Education, Smt.L.H.Bharathi.

….Appellant

And

1.The Government of A.P. rep. By its

Principal Secretary, School Education

Department, Secretariat, Hyderabad

And 3 others.

…Respondents

W.A.NO.2343 OF 2005

–

Between

The Andhra Evangelical Lutheran Church,

Guntur, rep. By Chairperson, Board of

Secondary Education, Smt.L.H.Bharathi.

….Appellant

And

1.The Government of A.P. rep. By its

Principal Secretary, School Education

Department, Secretariat, Hyderabad

And 3 others.

…Respondents

COMMON JUDGMENT (Per Sri B.Prakash Rao, J)

Heard Mr.V.Jagapathi, learned counsel for the appellant in both these appeals and also learned Government Pleader for School Education for the respondents. Since these two appeals are connected with each other, they are taken up together for disposal.

In these appeals, the writ petitioner is the appellant who seeks to assail the order rejecting the interlocutory application seeking suspension of the impugned order, dated 27-09-2005, whereunder the approval sought was sought to be rejected.

In the order which was challenged in the main writ petition, the learned Judge found that there is absolutely no warrant to grant interim suspension as such and suspension of such an order would not entail in any legal

consequences, or benefits to the petitioner. However, the learned counsel for the appellant submits that subsequent to the impugned order, the respondents have passed orders on 19-11-2005, which clearly goes to show that such an action is only in pursuance of the impugned action or orders passed therein which are under challenge. Admittedly, the proceedings of the respondents, dated 19-11-2005, are subsequent to the impugned order and also orders passed by the learned single Judge. In view of the same, we do not find any justification to take into account all these aspects more so, proceedings which are interlocutory in nature. However, it is always open for the appellant to make appropriate fresh application seeking appropriate relief rather than trying to seek any relief in these appeals. Therefore, we do not find any merits in these appeals.

Accordingly, both the writ appeals are dismissed. No costs.

B.PRAKASH RAO, J

Dated: 30-11-2005.

R.SUBHASH REDDY, J

Note: CC in 3 days

B/o

Hsd